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11 CITY OF SAN JOSÉ; CITY OF SAN JOSÉ  
12 AS SUCCESSOR AGENCY TO THE  
13 REDEVELOPMENT AGENCY OF THE CITY  
14 OF SAN JOSÉ; and THE SAN JOSÉ  
DIRIDON DEVELOPMENT AUTHORITY

15 Plaintiffs,

16 v.

17 OFFICE OF THE COMMISSIONER OF  
18 BASEBALL, an unincorporated association  
doing business as Major League Baseball; and  
ALLAN HUBER "BUD" SELIG,

19 Defendants.

20 Case No. C-13-02787 RMW

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**ORDER DECLINING TO RETAIN  
SUPPLEMENTAL JURISDICTION OF  
STATE LAW CLAIMS**

25 On October 11, 2013 the court issued its order dismissing Plaintiff City of San Jose's  
26 Sherman Act claim and its state law claims for violation of the Cartwright Act and for unfair  
competition. On November 8, 2013 the court issued its order setting an initial case management  
conference and requesting the parties address whether the court should retain supplemental  
jurisdiction of the two surviving state law claims. On December 13, 2013 the court held the initial  
case management conference. The court now issues this order declining to retain supplemental

1 jurisdiction and dismissing the two remaining state law claims without prejudice to their pursuit in  
2 the appropriate state court.

3 Although the parties, particularly defendants, favor this court's retention of jurisdiction, the  
4 court finds that a majority of the relevant factors support the dismissal of the state law claims. The  
5 decision is a discretionary one for the district court to make. *Schneider v. TRW, Inc.*, 938 F.2d 986,  
6 993-994 (9th Cir. 1991). However, "in the usual case in which all federal-law claims are eliminated  
7 before trial, the balance of factors . . . will point toward declining to exercise jurisdiction over the  
8 remaining state-law claims." *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n. 7 (1988); *Acri*  
9 *v. Varian Associates, Inc.*, 114 F.3d 999, 1001 (9th Cir. 1997) (en banc) (quoting *Carnegie-Mellon*);  
10 *see* 28 U.S.C. § 1367(c). Considerations of economy, convenience, fairness, and comity are key.  
11 *See, e.g., City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 173 (1997); *Oliver v. Ralphs*  
12 *Grocery Co.*, 654 F.3d 903, 911 (9th Cir. 2011); *Acri*, 114 F.3d at 1001. In the instant case these  
13 factors inform the court's decision to not retain jurisdiction. Economy and convenience would not  
14 be served by retaining jurisdiction because the case is in its very early stages and little attention has  
15 been focused on the state law interference claims. Further, what is left of the case presents purely  
16 state law claims which are more appropriately addressed by the state courts.  
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19 The court hereby dismisses the remaining state law claims without prejudice so that plaintiff  
20 can refile its state law claims in the appropriate state court if it chooses to do so. *Bass v. Parkwood*  
21 *Hospital*, 180 F.3d 234, 246 (5th Cir. 1999) ("the dismissal of the pendent claims should expressly  
22 be *without* prejudice so that the plaintiff may refile his claims in the appropriate state court").  
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24 Dated: December 27, 2013  
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RONALD M. WHYTE  
United States District Judge